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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,910	09/17/2001	Samir S. Soliman	PA701C	8843
23696	7590	03/15/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			NGUYEN, LEE	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/954,910

**Applicant(s)**

SOLIMAN, SAMIR S.

**Examiner**

LEE NGUYEN

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the communication filed 11/11/2004.

Claim 1 was canceled. Claims 2-10 remain in prosecution.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 11/11/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,321,090 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Light et al. (US 6,061,337).

Regarding claims 2, 5, 8, Light teaches a base station controller (MTSO, ECP or offline processor, col. 3, line 63 and col. 7, line 35) for facilitating hard handoff, comprising: a position database configured to store information corresponding to locations of a plurality of handoff regions (col. 7, lines 23-28); and a selector bank subsystem ECP configured to initiate tracking of the position location of a mobile unit upon receipt of an identification of a pilot signal corresponding to a predetermined cell covering a handoff region of the plurality of handoff regions (col. 5, line 53 through col. 6, line 39, approximate distance and location can be judged from the returning signal), to track the location of the mobile unit using at least partially a GPS system (col. 8, lines 7-17), to determine when the mobile unit enters the handoff region according to the stored information and the location of the mobile unit (determine the closest cell site, col. 6, lines 19-20, tracking information using GPS system is relayed to the central station for determination of handoff, col. 8, lines 11-17), and to initiate handoff when the mobile unit enters the handoff region (col. 6, lines 37-42).

Regarding claims 3, 6 and 9, Light also teaches that the selector bank subsystem determines when the mobile unit enters the handoff region by comparing the position location of the mobile unit to the information corresponding to the location of the handoff region (col. 6, lines 36-39).

Regarding claims 4, 7 and 10, Light also teaches that the selector bank subsystem is further configured to identifying a target cell for receiving the handoff based upon the position location of the mobile unit (cell site 3, col. 6, line 39).

### ***Response to Arguments***

5. Applicant's arguments filed 11/11/2004 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that the claimed steps of "initiate tracking of the position location of a mobile unit upon receipt of an identification of a pilot signal corresponding to a predetermined cell covering a handoff region of the plurality of handoff regions", and "determine when the mobile unit enters the handoff region, and to initiate

handoff when the mobile unit enters the handoff region” are not the same as taught by Light reference.

In response, in Light reference the time offset of the pilot signals to be returned to the ECP (col. 5, lines 56-57) also includes the pilot signals that identify cell site 1-1 and various cell sites. Without the identifications of the pilot signals of the cell sites the ECP can not recognize and analyze the corresponding chips from each cell site. From this analyzing the ECP can track the location of the mobile (col. 5, lines 64-65). Also from this analyzing, the ECP determines when the mobile unit enters the handoff region or closest cell site (col. 6, lines 19-20). Finally, the ECP initiates handoff when the mobile unit enters the handoff region (col. 6, lines 35-39). Therefore, Light does anticipate the claimed invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final

action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/10/05  
LEE NGUYEN  
Primary Examiner  
Art Unit 2682